



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,730	02/25/2004	Peggy Hasan	LUTZ 2 00271	2741
48116	7590	01/07/2008		
FAY SHARPE/LUCENT 1100 SUPERIOR AVE SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER SING, SIMON P	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 01/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,730

Applicant(s)

HASAN ET AL.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10, 11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10, 11 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant is advised that the final rejection mailed on 11/27/2007 is vacated due to lack of authorized signature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-8, 10, 11 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. US Patent No. 6,535,585 in view of Kim US Patent Pub. No. 2002/0006782.

- 2.1 Regarding claim 1, Hanson discloses a method for sending voicemail retrieval notice to a caller, comprising the steps of:

requesting a voicemail retrieval (delivery status) notification message by a caller (figure 2A, steps 34 & 36; column 5, lines 20-23);

leaving a voicemail message to a called party by the caller (figure 2A, steps 20, 22, 26, 28 & 32; column 5, lines 15-19);

retrieving the voicemail message by the called party (figure 2B, steps 54 & 56; column 5, lines 52-56);

determining, by using communication system 10 to check a user contact database, that the caller registers (subscribes) voicemail retrieval notification service (figure 2A, steps 34-40; figure 2B, step 64; column 1, lines 50-56; column 4, lines 59-61; column 5, lines 27-31); and

sending the notification messaged, including the time of retrieval, to the calling party (figure 2B, step 64; column 6, lines 3-12).

Hanson teaches a voicemail retrieval (delivery status) notification system within a landline public switched telephone network (PSTN) or a data network 13, but fails to specifically teach that the network is a wireless communication network in that a mobile switching center (MSC) determines, by checking a calling party's database (profile), whether a calling party subscribes to the notification service.

However, Kim discloses a wireless communication system in figure 1. Kim teaches a voice messaging system 51 within mobile switching center (MSC) 50 to provide voicemail service to cellular subscribers. Kim further teaches that the MSC 50 receives and processes a voicemail message from a calling party (paragraphs 0038-0040), and sends a voicemail retrieval notification acknowledgement message to the calling party, indicating that the called party has retrieved the voicemail message (paragraphs 0014 and 0050-0053).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hanson's reference with the teaching of Kim

so that the voicemail retrieval notification feature in Hanson would have also applied to a wireless network, and since the MSC provided overall control to the wireless communication system, including receiving voicemail, processing voicemail, and voicemail retrieval notification, then it would have been also obvious that the MSC checked the user contact database, which stored subscriber profiles, to determine whether a calling party subscribed to voicemail retrieval notification service. The motivation for this modification was to provide similar voicemail service features to both wired and wireless communications networks.

2.2 regarding claim 2, the modified Hanson reference teaches sending the retrieval notification message to the calling party, and the notification message can be a SMS in a wireless network (Kim: paragraph 0039).

2.3 Regarding claim 3, Hanson teaches delivering a voice notification message to a telephone (figure 2B, step 64; column 6, lines 3-5; column 3, lines 37-42).

2.4 Regarding claim 4, Hanson teaches calling the calling party to deliver the notification message, and it is obvious that when the calling party is not available, the call is routed to the calling party's voicemail system, and the notification message is delivered to the caller's voicemail.

2.5 Regarding claim 6, Hanson teaches prompting the calling party to register retrieval notification service and receiving a confirmation from the caller (figure 2A, steps 34, 36 & 40).

2.6 Regarding claim 7, Hanson teaches a flag (voice message from the calling party successfully delivered to the called party) for sending the notification message to the caller (figure 2B, step 56).

2.7 Regarding claim 8, in order to send the retrieval notification message to the calling party when the voicemail message is successfully delivered, it is obvious that the calling party's contact information is associated with the voicemail message.

2.8 Regarding claim 10, it is obvious that the notification message includes the called party's identification and telephone number dialed by the caller, so that the calling party knows which voicemail message is delivered.

2.9 Regarding claim 11, Hanson teaches that the notification message includes the time of delivery (column 6, lines 8-11).

2.10 Regarding claim 13, Hanson discloses a system for sending voicemail retrieval notice to a caller, comprising:

means for enabling a caller to request a voicemail retrieval (delivery status) notification message (figure 2A, steps 34 & 36; column 5, lines 20-23);

means (communication system 10) to determine that the caller registers (subscribes) voicemail retrieval notification service (figure 2A, steps 34-40; figure 2B, step 64; column 1, lines 50-56; column 4, lines 59-61; column 5, lines 27-31); and

means for sending the notification message, including the time of retrieval, to the calling party (figure 2B, step 64; column 6, lines 3-12).

Hanson teaches a voicemail retrieval (delivery status) notification system within a landline public switched telephone network (PSTN) or a data network 13, but fails to specifically teach that the network is a wireless communication.

However, Kim discloses a wireless communication system in figure 1. Kim teaches a voice messaging system 51 within mobile switching center (MSC) 50 to provide voicemail service to cellular subscribers. Kim further teaches that the MSC 50 receives and processes a voicemail message from a calling party (paragraphs 0038-0040), and sends a voicemail retrieval notification acknowledgement message to the calling party, indicating that the called party has retrieved the voicemail message (paragraphs 0014 and 0050-0053).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hanson's reference with the teaching of Kim so that the voicemail features of Hanson would have also applied to voicemail system in a wireless network. The motivation for this modification was to provide similar voicemail service features to both wired and wireless communications networks.

2.11 Regarding claim 14, Hanson teaches means for the calling party to leave a voicemail message for the called party (figure 2A, steps 26 & 28), and means for the called party to receive the voicemail message (figure 2B, step 54).

2.12 Regarding claim 15, Hanson teaches means for sending the notification message to the calling party, indicating the time when the voicemail message is delivered to the called party (figure 2B, step 64; column 6, lines 8-11).

2.13 Regarding claim 16, the modified Hanson reference teaches means for sending the retrieval notification message to the calling party, and the notification message can be a SMS in wireless network (Kim: paragraph 0039).

2.14 Regarding claims 17 and 18, Hanson teaches means for delivering a voice notification message to a telephone (figure 2B, step 64; column 6, lines 3-5).

2.15 Regarding claim 19, Hanson teaches means for sending a prompt to the caller (figure 2A, step 34).

2.16 Regarding claim 20, Hanson teaches means for accepting a calling party's response to the prompt (figure 2A, step 36).

2.17 Regarding claim 21, Hanson teaches means for setting an indicator that a calling party has accepted voicemail retrieval notification service (figure 2A, step 36; figure 2B, steps 56 & 64).

Response to Arguments

3. Applicant's arguments filed on 09/06/2007 have been fully considered but they are not persuasive.

Claim 1: Applicant contends that the prior art on record does not teach a MSC for checking a calling party's profile to determine if the calling party subscribes to the voicemail retrieval notification service. Examiner respectfully disagrees. As stated in the rejection above, Hanson teaches a communication system 10 for checking a calling party's profile in the user contact database to determine if the calling party subscribes to the voicemail retrieval notification service. Kim teaches a MSC provides overall control to a wireless network, including receiving voicemail, processing voicemail, and sending out voicemail retrieval notification to a calling party. Therefore, it would have been obvious that when the Hanson's system was incorporated in a wireless network, the MSC would have performed the determining step instead of the communication system 10 of Hanson.

Claim 13: Applicant presents the same argument for claim 13 as in claim 1. However, since claim 13 does not recite a MSC for the determining step, therefore, Hanson in view teaches the claimed limitation of claim 13.

Conclusion

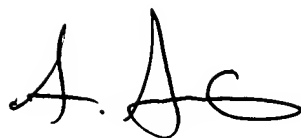
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Application/Control Number:
10/786,730
Art Unit: 2614

Page 10



S. Sing

12/21/2007

FAM TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2003

